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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,323	02/12/2004	Jonathan P. Lewis-Evans	153130	4100

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EXAMINER

BEAMER, TEMICA M

ART UNIT PAPER NUMBER

2617

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,323

Applicant(s)

LEWIS-EVANS ET AL.

Examiner

Temica M. Beamer

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 8-11, 14, 17, 18, 20, 21, 23, 28, 29, 31-35, 37, 38 and 42-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoshioka et al (Yoshioka), U.S. Patent Pub. No. 2005/0153680.

Regarding claims 1-3, 8-11, 14, 17, 18, 20, 21, 23, 28, 29, 31-35, 37, 38 and 42-44, Yoshioka discloses a wireless communication device (1, 2, 11; figure 1) comprising a mobile unit for transmission and reception of voice calls through a mobile phone network having a single user-accessible call activation switch (trigger button 3) (0046), the unit being programmed to communicate with a first stored telephone number (police station, emergency report receiving centers, etc.) (0048, 0053), on operation of said call activation switch, the device further comprising location determination means (a GPS unit 17 and a gyro sensor 13) (0052, 0056). Yoshioka further discloses volume control for voice calls (0079).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-7, 12, 13, 15, 16, 19, 22, 24, 30, 36, 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshioka in view of well-known prior art.

Regarding claims 4-7, 12, 16, 22 and 24, Yoshioka discloses a device according to claim 1 as described above. Yoshioka further discloses wherein the user can store different numbers in the memory (0053). Yoshioka, however, fails to disclose wherein the information relating to the device location is transmitted (via SMS) to a second stored number on operation of the call activation switch.

The examiner contends, however, that at the time of invention, such a feature would have been obvious to a person of ordinary skill in the art to ensure that someone is notified of the emergency situation.

Regarding claim 13, Yoshioka discloses a device according to claim 1 as described above. Yoshioka, however, fails to disclose wherein after disconnection of voice communication by the other party the unit automatically disconnects after a predetermined period unless the user of the device has since operated the call button to disconnect.

The examiner contends, however, that such a feature is well-known in the art and the examiner takes official notice as such.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Yoshioka with the teachings of well-known prior art for the purpose of reserving communication resources and battery life of the communication device.

Regarding claims 15 and 39-41, Yoshioka discloses a device according to claim 1 as described above. Yoshioka, however, fails to disclose battery charge detection means wherein the device is adapted to send a message to a third stored phone number in the event that a battery charge level falls below a preset value. Yoshioka also fails to disclose a charging cradle as described.

The examiner contends, however, that such a feature is well-known in the art and the examiner takes official notice as such.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Yoshioka with the teachings of well-known prior art for the purpose of ensuring that a person in an emergency situation is able to receive alert someone for help in the event the battery life of the device is depleting. Further the design of the cradle would require only routine skill in the art.

Regarding claims 30 and 36, Yoshioka discloses the communication system of claim 28 and 33 as described above. Yoshioka, however, fails to disclose displaying location information on a website accessible to authorized contacts.

The examiner contends, however, that such a feature is well-known in the art and the examiner takes official notice as such.

Art Unit: 2617

Regarding claim 19, Yoshioka discloses a device according to claim 18 as described above. Yoshioka, however, fails to disclose wherein the remote activation unit is wearable by a user.

The examiner contends, however, that such wearable devices are well-known in the art and the examiner takes official notice as such.

5. Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshioka in view of Read et al (Read), U.S. Patent No. 5,890,052.

Regarding claims 25-27, Yoshioka discloses a device according to claim 1 as described above. Yoshioka, however, fails to disclose a device wherein the mobile unit is incorporated with a receptacle for containing small personal effects, wherein the receptacle is a wallet suitable for containing one or more of notes coins, credit cards, identification cards or the like.

Read discloses this limitation (col. 1, lines 24-32). At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Yoshioka with the teachings of Read for the purpose of allowing a user to carry important necessities in one device.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

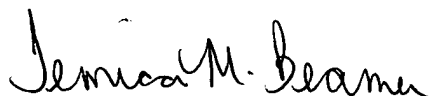
Stanco, U.S. Patent Pub. No. 2005/0070258, discloses personal communication devices with theme park system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (571) 272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 7:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tmb


TEMICA BEAMER
PRIMARY EXAMINER
4/17/04